

ERIKSON LAW GROUP

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Attorneys for Defendant and Third-Party
Plaintiff CITY COMMERCIAL
INVESTMENTS, LLC

[Additional counsel listed on signature
page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MONICA CANILAO, an individual;
ZARATHUSTRA WESOLOWSKI, an
individual; ELLERY BAKAITIS, an
individual; JEREMY NOVY, an individual;
SUSAN GREENE, an individual; and
HAILEY GAISER, an individual,

Plaintiffs,

v.

CITY COMMERCIAL INVESTMENTS,
LLC, a California limited liability company;
and DOES 1-10, inclusive,

Defendants.

CITY COMMERCIAL INVESTMENTS,

Case No. 3:20-cv-08030-EMC

Hon. Edward M. Chen

**STIPULATION AND
[PROPOSED] ORDER TO
EXTEND TRIAL DATE AND
ALL PRETRIAL DATES AND
DEADLINES BY TWO MONTHS**

Trial Date: September 12, 2022

Requested extension:

November 14, 2022

1 LLC, a California limited liability company,

2 Third-Party Plaintiff,

3 v.

4 HANDSOME HEIDI, LLC, a California
5 limited liability company; and ROES 1-10,
6 inclusive,

7 Third-Party Defendants,

8 Pursuant to Local Rules 6-2 and 7-12 the parties to the above-entitled action
9 jointly submit this stipulation requesting the Court extend the trial date, the final pre-
10 trial conference date, and all pretrial dates and deadlines by two months considering
11 defendant's filing on April 1, 2022, of a potentially case dispositive motion to dismiss
12 and motion for judgment on the pleadings (the "Motion"), and in order to allow the
13 parties to address the Motion, determine and fully address settlement possibilities, and
14 prepare the case for trial. The trial is currently set for September 12, 2022. The parties
15 request the trial be continued to November 14, 2022, and that all pending pretrial
16 dates and deadlines likewise be continued by two months.

17 The parties are plaintiffs Monica Canilao, Zarathustra Wesolowski, Ellery
18 Bakaitis, Jeremy Novy, Susan Greene, and Hailey Gaiser (collectively, "Plaintiffs");
19 defendant and third-party plaintiff City Commercial Investments, LLC ("Defendant");
20 and third-party defendant Handsome Heidi, LLC ("Third-Party Defendant").
21 Plaintiffs, Defendant, and Third-Party Defendant are collectively referenced as the
22 "parties." The parties submit the accompanying declaration of David Erikson in
23 support of this requested extension.

24 The parties participated in a mediation before Ninth Circuit mediator Bijal
25 Vakil, Esq. on October 28, 2021. The mediation did not resolve the matter. The
26 parties continued their settlement efforts and held a follow up conference call with
27 mediator Vakil. On March 2, 2022, the parties jointly requested a four-week
28 continuance of the discovery cutoff only and no other dates and deadlines to permit

1 the parties to fully address settlement before undertaking costly and extensive
2 discovery including ten depositions. The Court granted the parties' request and
3 continued the discovery cutoff from March 10, 2022, to April 11, 2022.

4 The parties have participated in written discovery and have noticed ten (10)
5 depositions of all parties to be taken by the current discovery cutoff of April 11, 2022.
6 The parties also exchanged settlement offers but are at an impasse. However, the
7 parties believe that a ruling on Defendant's dispositive Motion may streamline the
8 issues that need to be covered in depositions. Likewise, a ruling on Defendant's
9 Motion may help guide the parties closer towards productive settlement discussions.
10 Other than the March 2, 2022, limited-purpose discovery cutoff extension, the parties
11 have not previously requested any pretrial extensions. Trial is scheduled in this matter
12 for September 12, 2022.

1 DATED: April 4, 2022

ERIKSON LAW GROUP

2 By: /s/ David Erikson

3 David A. Erikson
4 Attorneys for Plaintiffs

5 DATED: April 4, 2022

LAW OFFICES OF LAWRENCE G.
6 TOWNSEND

7 By: /s/ Lawrence G. Townsend

8 Lawrence G. Townsend
9 Attorneys for Defendant and Third-Party
10 Plaintiff City Commercial Investments, LLC

11 SPINELLI, DONALD, & NOTT
12 J. Scott Donald
13 Attorneys for Defendant and Third-Party
14 Plaintiff City Commercial Investments, LLC

15 DATED: April 4, 2022

COOLEY LLP

16 By: /s/ Max A. Bernstein

17 Max A. Bernstein
18 Attorneys for Third-Party Defendant
19 Handsome Heidi, LLC

20 Additional counsel [continued from caption]

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16 Attorneys for Third-Party Defendant
17 HANDSOME HEIDI LLC
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Filer's Attestation

Pursuant to L.R. 5-1(i)(3), I attest that all signatories listed and on whose behalf this filing is submitted concur in the filing's content and have authorized this filing.

DATED: April 4, 2022

ERIKSON LAW GROUP

By: /s/ David Erikson

David A. Erikson

Attorneys for Plaintiffs

ORDER

NOW, THEREFORE, and based on the above recitals and stipulations, and for good cause the Court orders as follows:

All pretrial dates and deadlines in this matter are extended by two months to include the following:

The deadline by which the parties must complete non-expert discovery is extended from April 11, 2022, to and including June 13, 2022.

The Further Status Conference set for this matter on May 31, 2022, is continued to August 2, 2022.

The Final Pre-Trial Conference set for this matter on August 16, 2022, is continued to October 18, 2022.

The Trial set for this matter on September 12, 2022, is continued to November 14, 2022.

IT IS SO ORDERED.

Dated: _____, 2022

Hon. Edward M. Chen
United States District Judge